

March 18, 1974

SENATOR CARPENTER: Well, Mr. President. I talked to the railroads, for a long period of time. And they wanted me to do what you are doing for them. And I told them emphatically no. I don't think we ought to fool around with this bill at all. If the railroads can't live with it, they will have to learn to live with it. And what makes them different from anybody else. When you get the interpretation of common carriers. What is that? That's not only railroads. That's common carrier in trucks, natural gas lines, all the pipe lines, and a thousand and one other things. This is not a simple amendment. And the railroads should be looked at like anyone else should, and that some of the things that the railroads do on Anti-Trust state business shouldn't be permitted to go on. They have done things without any conscience as far as the people they retained an order to delivery under subcontracts which those things is a conspiracy. And we shouldn't do anything to this bill at all. And of course they have had plenty of time, and everybody had a chance to understand this bill. It was written and it was read to this body and everybody understood it. And at that particular time there really has never been a dissenting vote against this bill until the railroads come in here. And the railroads always want to be excluded from anything because they've always got a reason why they are different. And I don't see the railroad any different than anyone else is. And in the area in which the federal government. We don't prevail. We can do nothing in my judgement except offer on interstate shipments. And I think it would be a bad mistake to attempt to amend this bill now, after it has had a successful journey over to the E & R for Engrossment. And I would hope this body would turn down any amendments to this bill and to the appropriation bill that follows afterwards. Now I'm a very good friend of the railroad lobbyists. But there are some things that I won't do for them, and this is one of them. This is wrong. It means more than Senator Proud indicates it does, and I'm not saying he doesn't understand everything, because I don't think he does. And what he said in his judgement is true. But they've got devious minds, and devious methods of getting you to accept it in order to getting you to do what you shouldn't do. This bill is a stop conspiracy in the State of Nebraska. And the railroads shouldn't be exempted from this anymore than anybody else.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature. I rise also in opposition to the motion to move it back. The attorney for the committee on Agriculture and Environment Resources, and it's his opinion, and it's as good as anyone's I believe, that the question is moved, because article 4, section 20, of the State Constitution gives total control of this area to the Public Service Commission. And there is the constitutional Law, it is supreme. And overrides any legislation passed by this body. And also the same is true as what Senator Carpenter has indicated is the federal legislation. And in that area in which the federal legislation reigns, this legislation has no impact. And so at this time, and with a small amount of regrets, Senator Proud, I would oppose the motion to return the bill.

PRESIDENT: Senator Proud.